

clear, smooth, healthy skin, well-conditioned hair, and good muscles; to fight symptoms of tired blood due to nutritional deficiencies; that the iron, vitamin B₁₂ and copper are essential to formation of red blood cells and for proper liver functioning; that the article was adequate and effective as a treatment for and preventive of infection; conditions and diseases affecting the eyes, skin, gums, teeth, bones, blood, muscles, nerves, heart, digestive system, circulatory system, and glands; poor circulation; vague muscle pains; sleeplessness; dull brittle hair; poor appetite; digestive difficulties; tired, weak blood; lowered resistance; poor teeth; tired, burning eyes; poor eyesight; and tiredness.

The libel alleged also that the article was adulterated and misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods, No. 27895.

DISPOSITION: Universal Nutritions, Inc., claimed the article and filed an answer. Thereafter, on or about 1-30-61, pursuant to stipulation of the parties, the case was removed to the U.S. District Court for Dist. N.J.

On or about 8-28-61, the libel was amended to allege that the article was adulterated within the meaning of 402(a) (2) (C) in that it contained an unsafe food additive.

On 11-29-61, the claimant having consented to a decree on the ground that the article was adulterated as alleged and without an adjudication of the misbranding charge, judgment of condemnation and destruction was entered. On 12-7-61, an amendment to the above decree ordered the United States marshal for the N. Dist. of Calif., to destroy the article.

6815. Eternal Youth face cream and Capillaris hair and scalp cream. (F.D.C. No. 45936. (S. Nos. 97-081/2 R.)

QUANTITY: 4 cases, 36 4-oz. btls. each, of *Eternal Youth face cream* and 144 2-oz. jars of *Capillaris hair and scalp cream*, at Lockport, N.Y.

SHIPPED: 4-11-61, from Pittsburgh, Pa., by Mare Mano, Inc.

LABEL IN PART: (Btl.) "Eternal Youth by Mare Mano Corrective Cosmetic For Wrinkles and Blackheads * * * Mare Mano, Inc., Pittsburgh, Pa. * * * Contains no heavy metals." and (jar) "Mare Mano Capillaris Cream for Falling Hair and Dandruff Vieni-Bella Cosmetic Co. Pittsburgh, Pa."

LIBELED: 6-6-61, W. Dist. N.Y.

CHARGE: *Eternal Youth face cream*. 502(a)—when shipped, the name of the article falsely represented that it was capable of causing the user to acquire and keep an everlasting, youthful appearance; the label contained false and misleading representations that the article was capable of effectively reducing wrinkles around the eyes; and that it was an adequate and effective treatment for blackheads; and 502(e) (2)—the label of the article failed to bear the common or usual name of each active ingredient.

Capillaris hair and scalp cream, 502(a)—when shipped, the label contained false and misleading representations that the article was an adequate and effective treatment for falling hair, dandruff, and to restore hair; 502(b)-(1)—the label of the article failed to bear the name of the manufacturer, packer, or distributor; and 502(e) (2)—the label of the article failed to bear the common or usual name of each active ingredient.

The libel alleged also that *Eternal Youth face cream* was adulterated under the provisions of the Act relating to cosmetics as reported in notices of judgment on cosmetics, No. 213.

DISPOSITION: 7-7-61. Default—destruction.